

**ANNUAL REPORT
OF THE
MILITARY AND VETERANS
AFFAIRS COMMISSION**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

November, 1998

MILITARY AND VETERANS AFFAIRS COMMISSION

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1998

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I. STATUTORY DIRECTIVE

IC 2-5-20 (as added by P.L.9-1992) establishes the Commission on Military and Veterans Affairs (MVAC) and requires MVAC to study the following:

1. Matters relating to veterans and veterans affairs.
2. Matters relating to the active and reserve members of the armed forces of the United States.

In addition, IC 2-5-20 provides that MVAC may study the following:

1. Other study topics assigned by the Legislative Council.
2. Other topics as directed by MVAC's chairman.

II. INTRODUCTION AND REASONS FOR STUDY

MVAC met to carry out its responsibilities under IC 2-5-20.

III. SUMMARY OF WORK PROGRAM

MVAC met three times during the 1998 interim. These meetings took place on June 30, 1998, July 22, 1998, and August 18, 1998, and were conducted at the State House in Indianapolis. The following topics were reviewed during these meetings:

- A. Tuition exemptions for relatives of certain veterans.
- B. Grave markers for members of the armed forces.
- C. Renaming highways for Indiana Congressional Medal of Honor recipients.
- D. Display of the Prisoner Of War/Missing In Action (POW/MIA) flag at state government buildings.
- E. H.R. 3710 introduced in the United States House of Representatives to exonerate the late Rear Admiral Charles Butler McVay III from responsibility for the sinking of the USS Indianapolis.
- F. Property tax deductions for disabled veterans.
- G. Indiana National Guard tuition reimbursement program.
- H. Desert Shield and Desert Storm veterans bonus.
- I. State veterans cemetery in Madison, Indiana.

IV. SUMMARY OF TESTIMONY

A. Tuition Exemptions for Relatives of Certain Veterans.

The director of the Indiana Department of Veterans' Affairs (IDVA) presented a brief legislative

history of SB 463-1998 concerning tuition exemptions for relatives of certain veterans and said that the issues in SB 463-1998 still warrant attention by the Indiana General Assembly. (SB 463-1998, as introduced, would have specified that the following persons would be eligible to receive tuition exemptions as the relatives of veterans: (1) A person who is a pupil at the Soldiers' and Sailors' Children's Home if the person was admitted to the Soldiers' and Sailors' Children's Home because the person was related to a member of the armed forces of the United States. (2) A person whose mother or father served in the armed forces of the United States if the mother or father received the Purple Heart decoration or was wounded as a result of enemy action and received any discharge or separation from the armed forces other than a dishonorable discharge. (3) A person whose mother or father served in the armed forces of the United States before July 1, 1998, during any war or performed duty equally hazardous that was recognized by the award of a service or campaign medal of the United States if the mother or father suffered a service connected death or disability and received any discharge or separation from the armed forces other than a dishonorable discharge. SB 463-1998, as introduced, would have also provided that: (1) a person may not receive a tuition exemption unless the person is eligible to pay the resident tuition rate at the college or university the person will attend as determined by the college or university and possesses the requisite academic qualifications; and (2) the tuition exemption is for 124 semester credit hours.)

B. Indiana National Guard Tuition Reimbursement Program.

Representatives of the Indiana National Guard made the following remarks:

- ! The Indiana National Guard currently has more than 14,000 members, 95% of the Indiana National Guard's \$280,000,000 annual budget is federally funded, and the Indiana National Guard has lost \$28,500,000 and 1,500 vacancies over the last five years because Indiana could not maintain adequate recruiting strength.
- ! The Indiana National Guard is proposing a tuition exemption program this year, instead of a tuition reimbursement program, to improve Indiana National Guard recruiting strength and retention rates. Based on the 1994-95 school year, the current proposal would have a fiscal impact of \$2,220,000, which represents only .0007% of total state school revenue. This impact should be compared to the \$19,000 per guardsman that is brought into the state and local economies.
- ! It would be too much of an economic hardship and a "deal killer" for many participants to pay tuition up front and wait until the end of a semester to receive reimbursement.
- ! Current Indiana guardsmen who are students are "very scattered" around the state. No school currently has more than 50 guardsmen as full time students.

Representatives of Purdue University and Indiana University made the following comments:

- ! Fee remissions at the West Lafayette campus currently total about \$1,500,000 per year.

Another financial alternative to fee exemptions would be preferable.

! It might be best to handle this issue through the State Student Assistance Commission.

C. Grave Markers for Members of the Armed Forces.

The MVAC discussed SB 130-1998 concerning grave markers for members of the armed forces. (SB 130-1998, as introduced, would have required the State Board of Funeral and Cemetery Service to establish standards before January 1, 1999, for setting a grave marker provided by the federal government to a member of the armed forces or other qualified person. These standards would have required a person who sets a grave marker to do so in the most economical manner possible.)

The president of the Indiana Cemetery Association stated that her association had been able to work out problems concerning this issue and did not think additional government regulation was necessary. She said it would be necessary to establish more than one standard for setting these markers because there were different types of markers and different types of cemetery landscaping. She said the issues concerning these grave markers could be worked out privately without the need for legislation. She added that if the General Assembly thought legislation was necessary, the only changes she proposed involved specifying that military markers would be used to mark unmarked graves, military markers would have to be set in the same manner as similar nonmilitary markers, and any fee charged for setting the military markers could not be greater than the fee charged for setting similar nonmilitary markers.

D. Renaming State Highways for Indiana Recipients of the Congressional Medal of Honor.

The MVAC discussed renaming part of a highway in Lake County for Indiana Congressional Medal of Honor recipient Emilio De La Garza.

The Chairman of MVAC asked the director of IDVA to provide the members of MVAC with a list of all Congressional Medal of Honor winners from World War I to the present who were residents of Indiana when they enlisted in the military or were drafted. The Chairman also asked the MVAC members to consider giving the governing bodies of local units of government the authority to rename streets for Congressional Medal of Honor winners instead of establishing a state program that would mandate that specific streets be renamed for these veterans.

MVAC staff discussed IC 9-21-1-4 which currently allows a city or town, by ordinance approved by the Indiana Department of Transportation, to authorize and pay for signs to be erected along the routes of state highways to honor famous persons who are or were residents of the city or town.

Representatives of IDVA indicated that the organization in Lake County that specifically wishes

to honor Congressional Medal of Honor winner Emilio De La Garza may not know of the existence of this statute. They also stated that IC 9-21-1-4 may or may not allow the organization to accomplish what they wish to accomplish.

The Chairman of MVAC stated that he was not convinced that the MVAC should endorse any legislation to address this issue considering the current language found in IC 9-21-1-4. He also stated that, if necessary, he would be willing to author resolutions concerning this issue during the 1999 session of the General Assembly.

E. Display of the Prisoner Of War/Missing In Action (POW/MIA) Flag at State Government Buildings.

The MVAC discussed the display of the POW/MIA flag at state government buildings. The president of the Vietnam Veterans for Veterans presented a previously introduced resolution to the MVAC that urged the State of Indiana to "fly or display the POW/MIA flag on the grounds or in the lobbies of all Indiana State Government Buildings on Armed Forces Day, Memorial Day, Flag Day, [and] Independence Day."

F. H.R. 3710 introduced in the United States House of Representatives to exonerate the late Rear Admiral Charles Butler McVay III from responsibility for the sinking of the USS Indianapolis.

The MVAC discussed H.R. 3710, the "Charles Butler McVay and U.S.S. Indianapolis Relief Act," introduced in the United States House of Representatives on April 22, 1998. H.R. 3710 would exonerate Rear Admiral Charles McVay III from responsibility for the sinking of the U.S.S. Indianapolis.

The MVAC discussed sending a letter to the Members of Congress from Indiana (subject to approval by the Personnel Subcommittee of the Legislative Council) urging full support for H.R. 3710. The Chairman of the Commission asked staff to prepare a draft letter.

G. Property Tax Deductions for Disabled Veterans.

The director of IDVA stated that SB 50-1998 would have allowed the IDVA, along with the United States Department of Veterans Affairs (VA), to certify certain disabled veterans to allow the disabled veterans to qualify for property tax deductions. He added that the current State Board of Tax Commissioners is allowing the IDVA to perform this certification function. However, Mr. Jackson indicated he felt it was still necessary to amend the statute in case a future State Board of Tax Commissioners decided to not allow the IDVA to certify these disabled veterans. He concluded by stating that this IDVA certification would become more important in the near future due to continued VA downsizing.

H. Desert Shield and Desert Storm Veterans Bonus.

The MVAC discussed HB 1409-1997 concerning the Desert Shield and Desert Storm bonus. (HB 1409-1997 would have provided for a bonus to be paid to certain members of the armed forces of the United States who: (1) were residents of Indiana for at least six months immediately before the members' enlistment, induction, or call to active duty in the armed forces of the United States; (2) were on active duty during Operation Desert Shield or Operation Desert Storm; and (3) served after July 31, 1990, and before August 1, 1991. It also would have allowed for certain surviving next of kin to receive the bonus if a member of the armed forces of the United States who is eligible to receive the bonus is deceased. HB 1409-1997 specified that the amount of the bonus would be: (1) \$300 for a member of the armed forces who qualifies; (2) \$600 for a member of the armed forces who qualifies and was awarded a Purple Heart or received a disability rating of at least 10% because the person was injured while on active duty; and (3) \$1,000 for the next of kin of a member of the armed forces who qualifies and was killed while on active duty.)

The director of IDVA stated that while the language in the bill applied to persons who served after July 31, 1990, and before August 1, 1991, the United States had never officially declared a cessation to hostilities in this geographic region.

The Chairman of the MVAC stated that he was aware of that issue but felt it was necessary to start with those dates to get a new Desert Shield and Desert Storm bonus bill moving through the process.

I. State Veterans Cemetery in Madison, Indiana.

The director of IDVA stated that construction had started on the veteran's cemetery in Madison, Indiana. He said that a bill that could provide federal funding for the cemetery had passed the United States House of Representatives and had been sent to the United States Senate. He also stated that construction would not be completed until July or August of 1999.

The Chairman of the MVAC stated that, once the construction of the cemetery was completed and it was in operation, it would be necessary to include funding in the state budget for the maintenance of the cemetery.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

While the MVAC did not formally adopt findings during this interim, the MVAC discussed and voted upon several specific legislative proposals and general concepts to be included as recommendations of the MVAC.

Official Commission Recommendations

These recommendations are the result of votes taken on specific drafts and concepts. These measures received at least seven affirmative votes which is the minimum required to pass a recommendation in accordance with the Legislative Council's rules for study committees with 12 voting members.

(1) MVAC support for any legislation necessary to administer an Indiana National Guard tuition reimbursement program.

VOTE: 8 aye, 0 nay.

(2) Desert Storm and Desert shield bonus payment for members of the armed forces from Indiana (Based on HB 1409-1997).

VOTE: 8 aye, 0 nay.

(3) Tuition exemptions for relatives of certain veterans at state-supported universities and colleges (PD 3010-1999).

VOTE: 8 aye, 0 nay.

(4) Property tax deductions for disabled veterans (PD 3052-1999).

VOTE: 8 aye, 0 nay.

(5) Resolution urging the State of Indiana to fly or display the POW/MIA flag on the grounds or in the lobbies of all Indiana state government buildings on Armed Forces Day, Memorial Day, Flag Day, and Independence Day.

VOTE: 8 aye, 0 nay.

(6) MVAC letter of support for H.R. 3710, the "Charles Butler McVay and U.S.S. Indianapolis Relief Act," to be signed by all MVAC members and sent to the Members of Congress from Indiana (subject to approval by the Personnel Subcommittee of the Legislative Council).

VOTE: 8 aye, 0 nay.

WITNESS LIST

Brigadier General George Buskirk, Assistant Adjutant General (Army), Indiana National Guard

Kevin Green, Purdue University

William Jackson, Director, Indiana Department of Veterans' Affairs

Joseph Riley, Commissioner, Indiana Department of Veterans' Affairs

Kathy Smith, Indiana University

John Thurlow, State Education Officer, Indiana National Guard

Al Tookolo, President, Vietnam Veterans for Veterans

Ro Whittington, President, Indiana Cemetery Association